

****NOT FOR PRINTED PUBLICATION****

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

AMERICAN HOMES 4 RENT
PROPERTIES EIGHT, LLC A
DELAWARE LIMITED LIABILITY
COMPANY,

Plaintiff,

V.

NELLY URIBE and VINCENTE URIBE,

Defendants.

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CASE NO. 4:14cv238
Judge Clark/Judge Mazzant

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On May 12, 2014, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion to Remand to Proceeding [Doc. #5] be granted [Doc. #7]. On May 27, 2014, Defendants filed objections [Doc. #9].

Plaintiff argues that removal was inappropriate under the forum defendant rule, as Defendants are citizens of the State of Texas. The Magistrate Judge agreed and recommended remand. Defendants object, asserting that this court has diversity jurisdiction, which makes removal appropriate this case. The court agrees with Plaintiff. Section 1441(b) provides that any civil action over which district courts have original jurisdiction solely through section 1332, diversity of citizenship, is not removable if a defendant is a citizen of the state in which the

action is brought. 28 U.S.C. § 1441(b). Since Plaintiff timely filed a motion to remand, the court is required to remand this case.

Having received the report of the United States Magistrate Judge, and considering the objections thereto filed by Defendants [Doc. #9], this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that Plaintiff's Motion to Remand to Proceeding [Doc. #5] is **GRANTED**, and this case is **REMANDED** to County Court at Law No. 2, Denton County, Texas, Cause Number CV-2014-00708.

So **ORDERED** and **SIGNED** this 2 day of **July, 2014**.

A handwritten signature in cursive script, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge